



Metropolitan Cases

AFSCME Local 1902 v. Metropolitan (MOU Hearing Officer Appeal)

On August 13, 2013, Hearing Officer Barry Winograd issued his decision in response to AFSCME Local 1902's appeal of Metropolitan's denial of a grievance challenging Human Resources' refusal to process a job audit request made pursuant to Local 1902's memorandum of understanding. The Union contended that Human Resources violated the memorandum of understanding by declining to process the audit request. Human Resources maintained that its refusal to process the audit request was appropriate because the grievant was not seeking an audit for District work, but rather was seeking a job audit and promotion for performing the duties of Union vice-president. Mr. Winograd agreed with the action taken by Human Resources and the District's interpretation of the MOU, and upheld

Human Resources' denial of the grievance. The Legal Department represented Metropolitan in this matter.

Foli v. Metropolitan (United States Court of Appeals for the Ninth Circuit)

Plaintiffs filed their opening brief with the Ninth Circuit on June 27, 2013, and Metropolitan filed its answering brief and motion for judicial notice on August 28, 2013. Plaintiffs have until October 10, 2013 to file an optional reply brief. As reported in February 2013, plaintiffs are appealing the January 2013 order which granted Metropolitan's motion to dismiss plaintiffs' first amended complaint, as well as the April 2012 order which granted Metropolitan's motion to dismiss plaintiffs' original complaint. Plaintiffs alleged in their complaints that Metropolitan's fluoridation process is an unlawful and unconstitutional medication of the plaintiffs.

Other Activities

Finance

On July 29, 2013 Metropolitan executed an extension of a standby bond purchase agreement with Barclays Bank PLC, which provides liquidity support for Metropolitan's Water Revenue Refunding Bonds, 2008 Series A-2. This extends the expiration date of the standby bond purchase agreement from September 23, 2013 to September 23, 2016. Metropolitan will replace Citigroup Global Markets Inc. as remarketing agent for the 2008 Series A-2 Bonds with Barclays Capital Inc., effective September 23, 2013. Legal Department staff attorneys worked with bank counsel and underwriter's counsel to negotiate and deliver the necessary documents. Staff attorneys prepared a supplement to the Official Statement for Metropolitan's Water Revenue Refunding Bonds, 2008 Series A-1 and A-2, disclosing the extension of the expiration date of the standby bond purchase agreement and the replacement of the remarketing agent for the 2008 Series A-2 Bonds.

Bay-Delta

Several staff were involved in Bay-Delta related activities. Robert Horton reviewed the pleadings filed in the seven Delta Plan cases regarding a proposed motion to stay the case and petition to coordinate all cases in the Sacramento Superior Court.

Robert is also working on several habitat related matters including the Lower Yolo Restoration Project. Adam Kear and Becky Sheehan continued work on BDCP and permitting issues.

State Water Contract

John Schlotterbeck attends the public negotiations of the extension of the State Water Contract.

Navajo Nation

Linus Masouredis took the lead in drafting the points and authorities in support of Metropolitan's and Coachella Valley Water District's motion to dismiss the complaint in the Navajo Nation litigation.



Hoover Power

Joe Vanderhorst attended meetings to discuss contracts to implement the Hoover Power legislation and the potential implications for power of lower levels in Lake Powell and Lake Mead. Joe also worked with Jon Lambeck on issues relating to the negotiation of a new operating agreement for the Mead substation in Boulder City, NV. The current agreement will expire in 2017.

Legislation

Cathy Stites and Joe Vanderhorst were involved in discussions related to proposed CEQA legislation.